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**VIA CERTIFIED MAIL - -
RETURN RECEIPT REQUESTED**

April 10, 2014

Jim Deak, General Manager
Warren Wynant, Harbormaster
Oxbow Marina
100 Oxbow Marina Drive
Isleton, CA 95461

**Re: Second Supplemental Notice of Violations and Intent to File Suit under
the Federal Water Pollution Control Act ("Clean Water Act")**

Dear Owner, Operator, and Site Manager:

NOTICE

This Second Supplemental Notice of Violations is provided on behalf of California River Watch, ("River Watch") identifying further alleged violations of the Clean Water Act ("CWA" or "Act") 33 U.S.C. § 1251 *et seq.*, that River Watch believes are occurring at the Oxbow Marina facility located at 100 Oxbow Marina Drive in Isleton, California. Notice is being sent to you as the responsible owners, operators and/or managers of this facility ("the Discharger").

This Supplemental Notice provides statutory notification of continuing and ongoing violations of "an effluent standard or limitation," permit condition or requirement and/or "an order issued by the Administrator or a State with respect to such standard or limitation" under CWA § 505(a)(1), 33 U.S.C. § 1365(a)(1), the Code of Federal Regulations, and the Basin Plan, as exemplified by the illegal discharges by the Discharger of pollutants from a point source to waters of the United States without a National Pollution Discharge Elimination System ("NPDES") permit. This Notice also addresses the ongoing violations by the Discharger of the substantive and procedural requirements of CWA § 402(p) and NPDES General Permit No. CAS000001, State Water

Resources Control Board Water Quality Order No. 92-12-DWQ, as amended by Order No. 97-03-DWQ ("General Permit"). The CWA prohibits storm water discharges without a permit pursuant to 33 U.S.C. § 1342; 40 C.F.R. § 122.26.

CWA § 505(b) requires that sixty (60) days prior to the initiation of a civil action under CWA § 505(a), a citizen must give notice of the intent to sue. Notice must be given to the alleged violator, the Environmental Protection Agency ("EPA"), and the State in which the violations occur. River Watch properly provided Oxbow Marina with a Notice of Violations and Intent to File Suit on August 14, 2013 and a Supplemental Notice of Violation and Intent to File Suit on October 25, 2013, in advance of filing its Complaint for Injunctive Relief, Civil Penalties, Restitution and Remediation on January 8, 2014, as amended on March 13, 2014 (*California River Watch v. Oxbow Marina et al.*, U.S. Dist. Ct. (E.D.), 2:14-cv-00045-KJM-CKD).

As stated in prior Notices and the filed Complaint, the CWA regulates the discharge of pollutants into navigable waters. The statute is structured in such a way that all discharge of pollutants is prohibited with the exception of several enumerated statutory exceptions. One such exception authorizes a polluter who has been issued a NPDES permit pursuant to the CWA to discharge designated pollutants at certain levels subject to certain conditions. The effluent discharge standards or limitations specified in a NPDES permit define the scope of the authorized exception to the CWA § 301(a), 33 U.S.C. § 1311(a) prohibition. Without a NPDES permit, **all surface and subsurface** discharges from a point source to waters of the United States are illegal. River Watch provides this Second Supplemental Notice of Violations alleging, in addition to the violations of the General Permit addressed in its prior Notices of Violations, that the Discharger has no NPDES permit allowing the current and on-going discharge of pollutants from its former underground storage tanks ("USTs") to waters of the United States. As a result, the Discharger has failed and is failing to comply with the Act as required by CWA § 301(a), 33 U.S.C. § 1311(a); and CWA §§ 402(a), 402(b), and 402(p), 33 U.S.C. §§ 1342(a), (b), and (p). *See also* 40 C.F.R. § 122.26.

The CWA requires that any notice regarding an alleged violation of an effluent standard or limitation, or of an order with respect thereto, shall include sufficient information to permit the recipient to identify the following:

1. *The specific standards, limitations, or orders alleged to have been violated.*

Based on information thus far received, River Watch believes there are two sources of pollutants being discharged from the Oxbow Marina site:

- a. Marina activities and operation – Discharges of petroleum hydrocarbons, oil and